



ANALYSIS

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1985, No. 4—*Private*

An Act to amend the objects of College House to permit the admission of women as well as men, and to authorise the variation of the trusts attaching to certain funds established for the purposes of College House

[8 July 1985]

WHEREAS College House (formerly known as "Christchurch College"), a board duly incorporated under the Religious, Charitable, and Education Trusts Act 1908, owns and operates a Hall of Residence for young men attending the University of Canterbury: And whereas the Governing Body desires to admit men and women of any age to the College, but for that purpose must first amend its statutes and objects: And whereas the Governing Body has no power to alter its objects, except by Act of Parliament: And whereas there are now diverse and sundry trust funds and properties held by the Governing Body of College House for the education and training of young men: And whereas the application of certain of those trust funds is limited by the instruments creating the respective trusts to certain assets of College House closely tied to the training in Christchurch of young men for the Anglican Ministry: And whereas it is desirable that the purposes and objects for which the various trust funds are presently held be varied so as to enable the Governing Body of College House to apply surplus income arising therefrom and not disbursed in accordance with the primary objects pursuant to each trust for the general purposes of College House as amended to include men and women of any age: And whereas it is impracticable and

inexpedient for the Governing Body to apply to the High Court of New Zealand for a variation of the purposes and objects of the funds as aforesaid:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the College House Act 1985.

2. Interpretation—In this Act—

“Governing Body” means the Governing Body of College House;

“Statutes of College House” means the Statutes of College House comprised in the Third Schedule to the Deed of Foundation bearing date the 5th day of September 1957.

3. Extension of objects of College House—

(1) Notwithstanding anything in the Statutes of College House, the objects of College House shall be deemed to extend to the education and training of men and women of any age, whether on a residential or extramural basis, whether alone or in conjunction with any other institution of learning, and whether for the duties of the Christian Ministry in the Communion of the Church, or for the learned professions, or for the general duties of life according to the highest attainable standard of religion, morals, and learning; and the said Statutes shall be construed accordingly.

(2) Notwithstanding anything in the Statutes of College House, if at any time it appears to the Governing Body that it would be desirable to amend further the objects of College House in such a manner as to alter further the class of persons for whom education and training may be provided, the Governing Body may prepare an appropriate scheme and lay it before the Attorney-General.

4. Alteration of application of certain trust funds—

(1) This section applies to—

(a) The trust funds held by the Governing Body immediately before the commencement of this Act on sundry trusts for purposes relating to the education and training of young men, being more particularly described in the Schedule to this Act; and

- (b) Any trust fund and properties that may hereafter be vested in the Governing Body for any of the purposes for which any of the trust funds described in the Schedule to this Act may be held.
- (2) The trust funds described in the Schedule to this Act shall hereafter be held by the Governing Body for the benefit of men and women of any age, and the trust instruments governing those trust funds shall hereafter be construed accordingly.

(3) When, at any time after application of the trust funds and properties to which this section applies, there is surplus income available, the Governing Body may by resolution approve the application of that surplus income for the general purposes of College House.

(4) Without limiting anything in subsection (3) of this section, if at any time, in respect of any trust funds and properties to which this section applies, the Governing Body is satisfied—

- (a) That it is necessary or desirable to alter the objects for which the trust funds and properties are held because of any alteration to the objects of College House effected pursuant to section 3 (2) of this Act; or
- (b) That the administration of the trust funds and properties, or of any income from the trust funds and properties, could be facilitated by extending or varying the mode of administering the trust on which the funds and properties or income are or is held,—

the Governing Body may prepare an appropriate scheme and lay it before the Attorney-General.

5. Powers and duties of Attorney-General—(1) The Attorney-General shall, in respect of every scheme laid before him under section 3 (2) or section 4 (4) of this Act, have the following powers and duties:

- (a) He may remit the proposed scheme to the Governing Body for consideration of any amendments he may suggest;
 - (b) He shall either approve the scheme as finally submitted by the Governing Body after the Governing Body has considered all amendments suggested by the Attorney-General or he shall report on the scheme; and thereupon he shall deliver his approval or report and the scheme to the Governing Body.
- (2) A verified copy of every scheme approved by the Attorney-General, and of the Attorney-General's approval, shall be filed by the Governing Body in the office of the High Court

at Christchurch; and an approval of a scheme by the Attorney-General under this section shall have the same effect as an approval of the scheme by the Court under the Charitable Trusts Act 1957.

(3) An office copy of any scheme approved by the Attorney-General, and of his approval, shall be sufficient proof of the scheme and approval in the absence of proof to the contrary.

(4) At any time after delivery to the Governing Body of any such report, the Governing Body may apply to the Court for approval of the scheme, and on making any such application shall file therewith the scheme and the report of the Attorney-General thereon.

(5) Every such scheme, approval, report, and application that is filed in the office of the Court shall be open to inspection by the public without any fee or charge.

6. Application of Charitable Trusts Act 1957—Sections 52 to 57, 59, and 60 of the Charitable Trusts Act 1957 shall apply, with any necessary modifications, to any scheme laid before the Attorney-General under section 3 (2) or section 4 (4) of this Act.

7. Private Act—This Act is hereby declared to be a private Act.

SCHEDULE

Section 4 (1)

Buller and Raey Trust
Hulsean Chichele Trust
Rowley Trust
Jackson Trust
George Weston Fund
Benjamin Woolley Dudley Trust
